re Walker's Estate, 110 Cal. 387. Arguing from such decisions, the court in the principal case said, "we can see no reason why a signature by the grantor, under the statute of frauds, or this section of the real property law, may not be stamped on by the letters of a typewriter, as well as by a rubber stamp (*Bennett* v. *Brumfitt,* L. R. 3 C. P. 28), or by the mark of a pen, or by the use of a printed name."

COPYRIGHT—MOVING PICTURES AS DRAMATIZATION OF BOOK.—The defendant, a manufacturer of films for moving picture machines, employed a man to write such a scenario of portions of the book "Ben Hur," as could be acted out, these portions giving enough of the story to be identified with ease. These described actions were then performed by a company of actors, and negatives of the actions were made for use in manufacturing films for moving picture machines used in giving public exhibitions. The owners of the copyright of the book and of the dramatization rights asked for an injunction, claiming that the acts of the defendant constituted an infringement. *Held,* that moving picture films produced in such a manner, necessitated and constituted a dramatization of the book, and are consequently an infringement of the right of dramatization. *Kalem Co.* v. *Harper Brothers, Marc Klaw, Abraham Erlanger, and Henry L. Wallace,* 32 Sup. Ct. 20.

The copyright laws give to authors, not only the right to an exclusive enjoyment of their printed works, but also the right to dramatize the same. U. S. COMP. STAT. 1901, p. 3406. While it is a statutory right, *Wheaton* v. *Peters* 8 Pet. 591; *Kennedy et al.* v. *McTammany,* 33 Fed. 584, yet the "history of the copyright law does not justify so narrow a construction of the word 'writing'." *Harper & Bros.* v. *Kalem Co.,* 169 Fed. 61. It includes public performance as well as many other modes of expression. The same viewpoint applies to the dramatization rights. To constitute dramatization, language is not necessary. *Carte* v. *Duff,* 25 Fed. 187; *Daly* v. *Palmer,* 6 Blatchf. 256, Fed. Cas. No. 3,552. If a pantomime is dramatization, then it is none the less so when exhibited to the audience by means of reflections from a glass instead of by direct vision. The mechanism used does not affect the essence of the case. Consequently the use of a moving picture film and machine, is the use of a reproduction, if anything, only less vivid than that by mirror. The defendant, though not actually exhibiting the films, made, sold, and advertised them for public exhibitions. In so doing he contributed to the infringement. *Harper* v. *Shoppell,* 28 Fed. 613. The fact that only a part of the book was used, does not make it any the less an infringement. *Greene* v. *Bishop,* 1 Cliff. 186; *D'Almaine* v. *Boosey,* 1 You. & Coll. 288. The court expressly distinguishes between a monopoly of ideas and the rights under a copyright.

CORPORATIONS — STOCKHOLDER'S MEETINGS — EFFECT OF WITHDRAWAL OF STOCKHOLDERS.—At the regular annual meeting of a corporation whose by-laws provided that "holders of a majority of the stock issued shall constitute a quorum" stockholders were present representing more than a majority of the shares. A chairman was elected by *viva voce* vote, no objection being made

at the time. One of the stockholders later requested a new election by stock vote, threatening for himself and three others, all being appellants in this case, to withdraw for the purpose of making no quorum in case such election were not so held. The chair ruled that the request came too late, as the meeting was already organized. No appeal was taken, but the four stockholders withdrew, and the remaining members, representing a majority of the shares present when the meeting was organized, but less than a majority of all shares issued, proceeded to elect directors. *Held,* that the withdrawal of the appellants was without justification in law, that the statute providing for an annual meeting imposed upon them the duty of participating in the same, that their position was no better than that of those absenting themselves in the first instance, and that they would not be heard to complain of the acts of the stockholders who remained. *Commonwealth ex rel. Sheip* v. *Vandegrift* (Pa. 1911) 81 Atl. 153.

Running through the cases upon this general subject of the right and effect of the withdrawal of stockholders from stockholders' meetings, are two principles which, while not necessarily conflicting, might lead to diverse decisions in a given case. One of these impinges on the regular quorum rule of deliberative bodies, the other is very like that of estoppel. It may be safely stated that, except where there are specific regulations to the contrary, stockholders' meetings are to be governed by the ordinary parliamentary usages. 2 COOK, CORP., § 606, 1 THOMP. CORP., § 905. See also *Horbury Bridge Co., In re,* 11 Ch. D. 109, 48 L. J. Ch. 341; *Commonwealth* v. *Patterson,* 158 Pa. St. 476, 27 Atl. 998; *Ostrom* v. *Greene,* 161 N. Y. 353, 55 N. E. 919. But compare *dictum* in *Penobscot and Kennebec Railroad Co.* v. *Dunn,* 39 Me. 587, 600. It is the undoubted rule of deliberative assemblies generally that a failure of quorum noticed at any time during the meeting at once nullifies further proceeding, at least to vote upon any question. CUSHING MANUAL, §§ 17, 19, 249; ROBERT'S RULES, § 44. See also Speaker REED'S rulings in first session of 51st Congress, CONG. REC. Feb. 18, 1890. The no quorum rule has, however, been modified, and in effect denied, in a number of the cases. In the one under discussion the court held that it was not "convinced of the wisdom or necessity" of its application to the facts presented. The other holding is that one who remains in a duly constituted meeting, but does not participate therein by vote or otherwise, is considered to have acquiesced in the result of votes actually cast, and may not defeat corporate action by refusing to ballot. *State* v. *Chute,* 34 Minn. 135. See in this connection *Commonwealth* v. *Wickersham,* 66 Pa. St. 134; *State* v. *Greene,* 37 Ohio St. 227; *Ex parte Rogers,* 7 Cow. 526. It is allied in principle to cases generally of estoppel by acquiescence in corporate action. See *Terry* v. *Eagle Lock Co.,* 47 Conn. 141; *State* v. *Lehre,* 7 Rich. L. 234; *Rex* v. *Trevenen,* 2 Barn. & Ald. 339. The estoppel principle was extended in the important case of *In re Argus Printing Co.,* 1 N. D. 434, 48 N. W. 347, 26 Am. St. Rep. 639, 12 L. R. A. 781 n, where it was held that, the meeting having been legally constituted, a stockholder who had participated in its organization could not afterwards withdraw and organize another meeting, even though he held a majority of the stock. His right course was to remain,

vote his stock, and seek his remedy at law. This rule was said to be for the protection of the minority. In the present case also the general principle is extended, but in a somewhat different way.

COURTS—THE NEW COMMERCE COURT—JURISDICTION—FIRST DECISION.—A petition was filed against the United States and others to set aside an order of the Interstate Commerce Commission (19 Interst. Com. R. 556) refusing to annul a provision of the "Uniform Demurrage Code," requiring privately owned cars while standing on private tracks to pay demurrage under certain circumstances, and to enjoin the respondent railroads from collecting such demurrage. The United States moved to dismiss the petition on the ground that the court had no jurisdiction in the premises. *Held,* that the commission's ruling, though granting no affirmative relief, should be construed as an "order" which the Commerce Court had jurisdiction to review under Act Cong. June 18, 1910, c. 309, 36 STAT. 539. *Procter & Gamble Co.* v. *United States et al.* (1911), 188 Fed. 221.

The jurisdiction of the court was denied on the ground that the petitioner was a shipper, and the Interstate Commerce Commission having merely dismissed the complaint and granted no affirmative relief, that there was nothing in the order of dismissal that affords any basis for action by the court. In other words, that it is only the carrier, against whom an order is made in favor of the shipper, that could bring the case up for review, the shipper being concluded by the action of the commission. The Commerce Court was by the act of its creation given "the jurisdiction now possessed by the Circuit Courts of the United States," *inter alia,* of "cases brought to enjoin, set aside, annul or suspend any 'order' of the Interstate Commerce Commission." The capacity to sue in the Commerce Court therefore depends on the general equity practice in force in the Circuit Courts. While the dismissal of the complaint was not in strictness an "order," in that it did not require or prohibit that anything be done, it was still one in effect, for it virtually approved the demurrage charge by the carrier. The court concluded that while it was proper for a shipper to apply first to the Interstate Commerce Commission for relief, to deny the right of review and to hold that the act prevented the court from interfering with an order, no matter how confiscatory to the shipper, would leave him without legal redress, and under such circumstances the act might well be declared unconstitutional as wanting due process of law. Later decisions have held that the Commerce Court in examining the report of the Interstate Commerce Commission is limited to the opinion of the majority. *Atchison, T. & S. F. Ry. Co.* v. *Interstate Com. Com.,* 188 Fed. 229; *Southern Pac. Co.* v. *Same,* 188 Fed. 241; a schedule of rates fixed by the Interstate Commerce Commission cannot be annulled by the Commerce Court as unreasonably high unless the shippers' right under the fifth amendment to the Constitution is violated. *Hooker* v. *Interstate Com. Com.,* 188 Fed. 242; *Eagle White Lead Co.* v .*Same,* 188 Fed. 256. The ruling of the Commission that a carrier's charge was unreasonable, based on findings from admitted facts, held not to be conclusive on Commerce Court. *Atchison, T. & S. F. Ry.* v. *Interstate Com. Com.,* 188 Fed. 229; *Southern Pac. Co.* v. *Same,* 188